

In re Patent Application of:

**TOWNSEND ET AL.**

Serial No. 10/538,019

Filed: June 7, 2005

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**REMARKS**

Applicants would like to thank the Examiner for the thorough examination of the present application. Applicants would also like to thank the Examiner for correctly indicating as allowable the subject matter of dependent Claims 12 and 13.

Claims 1-10 and 14-16 have been cancelled based on the restriction requirement. Applicants reserve the right to file a divisional application directed to the subject matter of these claims.

The specification has been amended to correct the informalities as helpfully noted by the Examiner. The second paragraph on page 7 has been amended so that it is similar to the end of the first paragraph on page 8. In addition, several grammatical inconsistencies were also corrected in this paragraph.

The claims have been amended to address the noted informalities. The Applicants submit that the claims are definite. The arguments supporting patentability of the claims are provided below.

**I. The Claimed Invention**

The present invention, as recited in independent Claim 13, is directed to a method of automated pallet repair, comprising the steps of using a scanning device to create a map of a pallet; creating a recipe of repair operations from the map; and gripping the pallet and transporting the gripped pallet to one or more repair stations in accordance with the recipe.

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## II. The Claims Are Patentable

The Examiner rejected independent Claim 11 over the James et al. patent in view of the Harding et al. patent in further view of the Ouellette patent. The Examiner characterized James et al. as disclosing a method of automated pallet repair, wherein pallets are inspected and if needed, are transported to repair stations for repair. As correctly noted by the Examiner, James et al. fails to disclose the inspection being done by a scanning device to create a map of the pallet, and creating a recipe of repair operations from the map.

The Examiner cited Harding et al. as providing the deficiencies of James et al. In particular, Harding et al. discloses an inspection and sorting system for part repair by scanning the part for obtaining inspection data. The Examiner cited Ouellette as disclosing a device used for gripping a pallet for transport.

The Applicants submit that even if the references were selectively combined as suggested by the Examiner, the claimed invention is still not provided. Even though Harding et al. discloses the generation of a repair profile based on inspection data, the Applicants submit that there is no reference of using a scanning device to create a map, as in the claimed invention. Reference is directed to column 5, lines 25-32 of Harding et al., which provides:

"By combining the visual profile with the x-ray profile, comparison of the repair profile with the baseline permits a more accurate determination of the repair recommendation

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for part 10 because the repair profile includes not only general visual information (visual image) but also information about the internal state of part 10 (x-ray image), such as crack location and depth, as well as coating integrity, where applicable." (Emphasis added).

Harding et al. thus discloses an inspection and sorting system for part repair that includes at least one sensor for inspecting a part. The sensor is configured to obtain inspection data for the part, but the inspection data is not in the form of a map. A comparison module is configured to receive the inspection data, to generate a repair profile for the part using the inspection data, and to compare the repair profile with a baseline to arrive at a repair recommendation for the part.

The Applicants further submit that the Examiner is using the claimed invention as a roadmap for selectively modifying the prior art references in an attempt to produce the claimed invention. Even though James et al. is directed to a pallet inspection and repair system, there is no reference in James et al. about the pallet inspection and repair being automated. Reference is directed to column 4, line 66 to column 5, line 1 of James et al., which provides:

"The pallet P1 removed from the stack is then driven off the lift table 19 by the pallet discharge conveyor 23 onto the pallet inspection table 15 (FIG. 1). The pallet received on the inspection table 15 after inspection is fed into the pallet stacker 16." (Emphasis added).

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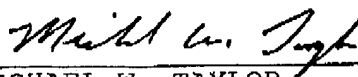
Pallet inspection in James et al. is not automated. The inspection is visually performed by a human operator. The Applicants submit that using a scanning device to create a map of a pallet, and creating a recipe of repair operations from the map is not obvious. It appears that the Examiner is using improper hindsight reconstruction.

Accordingly, it is submitted that independent Claim 11 is patentable over the James et al. patent in view of the Harding et al. patent in further view of the Ouellette patent. In view of the patentability of independent Claim 11, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

### III. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence  
has been forwarded via facsimile number 571-273-8300 to the  
Commissioner for Patents on this 30 day of December, 2008.

*Michael W. Torgler*

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